

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**STATE OF OKLAHOMA, ex rel.
W. A. DREW EDMONDSON, in his capacity as
ATTORNEY GENERAL OF THE STATE OF
OKLAHOMA and OKLAHOMA SECRETARY
OF THE ENVIRONMENT C. MILES TOLBERT,
in his capacity as the TRUSTEE FOR NATURAL
RESOURCES FOR THE STATE OF OKLAHOMA,**

Plaintiff,

vs.

05-CV-0329 GKF-SAJ

**TYSON FOODS, INC., TYSON POULTRY, INC.,
TYSON CHICKEN, INC., COBB-VANTRESS, INC.,
AVIAGEN, INC., CAL-MAINE FOODS, INC.,
CAL-MAINE FARMS, INC., CARGILL, INC.,
CARGILL TURKEY PRODUCTION, LLC,
GEORGE'S, INC., GEORGE'S FARMS, INC.,
PETERSON FARMS, INC., SIMMONS FOODS, INC.,
and WILLOW BROOK FOODS, INC.,**

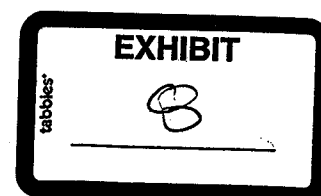
Defendants.

**SECOND SUPPLEMENTAL RESPONSES OF DEFENDANT,
PETERSON FARMS, INC. TO STATE OF OKLAHOMA'S
MARCH 2, 2007 SET OF INTERROGATORIES**

Defendant, Peterson Farms, Inc ("Peterson Farms"), submits the following Second Supplemental Responses to State of Oklahoma's March 2, 2007 Set of Interrogatories and Requests for Production to Peterson Farms, Inc , pursuant to Federal Rules of Civil Procedure 26 and 33

GENERAL OBJECTIONS:

1. Peterson Farms objects to, and does not agree to subject itself to, the arbitrary and extraordinary "definitions and instructions" described by the Plaintiffs to certain terms as set forth in their March 2, 2007 Set of Interrogatories and Requests for Production propounded to



Peterson Farms. To the extent that such terms appear in the Interrogatories and Requests for Production of Documents and are in excess of the requirements of the Federal Rules of Civil Procedure, Peterson Farms instead ascribes the ordinary, every day and reasonably, commonly understood meanings which apply to such terms, and also which comply with the Federal Rules of Civil Procedure. Peterson Farms objects to the definitions to the extent they assume facts not in evidence or related to facts or contentions in dispute in the action. Peterson Farms also specifically objects to the following definitions:

a. The definition of “You” is overly broad and includes within its scope persons and/or entities distinct from Peterson Farms, and it includes within its scope persons who are protected from disclosure. On July 21, 2008, Peterson Farms sold certain of its assets, including but not limited to its feed mill and processing plant (both of which are located outside the IRW), and terminated its grower contracts. Accordingly, Peterson Farms submits these responses on behalf of itself (which includes its officers, agents and employees) and not for any other person or entity, including any person or entity that formerly raised poultry under contract with Peterson Farms.

b. The definition of “documents and materials” is overly broad. Peterson Farms submits these responses consistent with the definition of “documents” set forth in Fed. R. Civ. P. 34(a).

2. Each of the following answers and responses are made subject to and without waiving any objections Peterson Farms may have with respect to the subsequent use of these answers or responses or the documents identified pursuant thereto, and Peterson Farms specifically reserves: (a) all questions as to the privilege, relevancy, materiality, and admissibility of said responses or documents; (b) the right to object to the uses of said responses

or the documents identified pursuant thereto in any lawsuit or proceeding on any or all of the foregoing grounds or on any other proper ground; (c) the right to object on any and all proper grounds, at any time, to other discovery procedures involving or related to said answers and responses or documents; and (d) the right, at any time, upon proper showing, to revise, correct or clarify any of the following responses.

3. Peterson Farms objects to each and every interrogatory and request to the extent it seeks or calls for information or the identification of documents which are protected from discovery and privileged by reason of: (a) the attorney-client communication privilege; (b) the “work product” doctrine; (c) the “trial preparation” doctrine; (d) the joint defense or “co-party” privilege; or (e) any other applicable discovery rule or privilege. To the extent Peterson Farms withholds or claims any protection from discovery from any document, Peterson Farms will produce logs of such documents as the document production progresses.

4. Peterson Farms objects to each and every interrogatory and request to the extent it seeks information or the identification of documents concerning any claims or occurrences other than the claims and occurrences set forth in Plaintiffs’ First Amended Complaint for which Plaintiffs request relief.

5. Peterson Farms objects to each interrogatory and request to the extent it seeks or relates to information or the identification of documents which are available to the public, and thus, equally available to Plaintiffs. Subject to and without waiving the foregoing objection, Peterson Farms will produce any public documents within its possession which are either responsive to Plaintiffs’ requests, or are within the scope of production described in the following responses. Additionally, Peterson Farms has identified numerous public documents in

its Initial Disclosures, and to the extent they are within Peterson Farms' possession, they either have been or will be produced.

6. Peterson Farms objects to each interrogatory and request to the extent it seeks or relates to information or the identification of documents which are protected as confidential business information, and proprietary and confidential trade secrets.

7. Peterson Farms also incorporates as though fully restated herein all objections and limitations to responses made by every other Defendant to the corresponding interrogatories and requests for production.

8. The foregoing objections apply to each and every answer and response herein. By specifically incorporating individual General Objections in any answer or response, Peterson Farms expressly does not waive the application of the remainder of the General Objections to such answer or response.

9. When the following responses state that Peterson Farms will produce certain documents, or that responsive documents will be produced for a certain time period, Peterson Farms is not assuring that in fact such documents for the entire time period have been located or identified for production.

Subject to these objections and subject to any additional objections set forth hereinafter, Peterson Farms responds to Plaintiffs' March 2, 2007 Set of Interrogatories and Requests for Production to Peterson Farms, Inc., as follows:

Interrogatories

Interrogatory No. 1: Please set forth all facts, describe all evidence and identify all documents that underlie or that you contend support the following assertion by you in footnote 1 of "Defendants' Response in Opposition to Plaintiffs' [sic] Motion to Sever and Stay

and / or Strike or Dismiss the Claims Asserted in the Third-Party Complaints and Integrated Brief in Support" [DKT #495]: "Through their third party claims and this Response, Defendants continue to assert that their operations and those of the independent family farmers with whom they contract for raising poultry have not caused any 'pollution' or injury to the natural resources of the State."

Response: Peterson Farms objects to this interrogatory as overly broad and burdensome as it contains no time limitation. Peterson Farms also objects to this interrogatory, as it is overly broad and burdensome in that it is tantamount to requesting Peterson Farms to lay out its entire defense to Plaintiffs' claims in the answer to a single interrogatory. Further, Peterson Farms objects to the extent this interrogatory seeks to reach documents or information that are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and its General Objections, Peterson Farms refers Plaintiffs to the documents listed on its Initial Disclosures, which it contends are supportive of its defenses and the prudence of the actions by it and the poultry growers who formerly contracted with it. Peterson Farms refers Plaintiffs to the Nutrient Management Plans and Animal Waste Managements Plans of the former poultry growers, to the extent they are in Peterson Farms' possession, which have previously been produced to Plaintiffs. Peterson Farms refers Plaintiffs' to the official records of the regulatory agencies of Oklahoma and Arkansas, which reflect few, if any violations by or citations issued to any poultry grower formerly under contract with Peterson Farms. Peterson Farms refers Plaintiffs to the deposition testimony of Agriculture Secretary, Terry Peach, taken on April 18, 2006. Peterson Farms directs Plaintiffs to their own production of documents and discovery responses to date, which fail to establish that either Peterson Farms or the growers formerly under contract with it have caused any injury to any natural resource putatively owned

or held in trust by the State of Oklahoma. Peterson Farms also states that the Contracts with its independent poultry growers required that such growers comply with all laws applicable to the management of their poultry litter. It is Peterson Farms' belief that the poultry growers formerly under contract with it endeavored to and did comply with their Nutrient Management Plans, Animal Waste Management Plans, and the NRCS Code 590 or Arkansas Phosphorus Index as applicable. These standards for the land application of poultry litter are designed to permit the utilization of poultry litter while managing the risk of injury to the environment. Peterson Farms relies on the expertise of the organizations and agencies, who have developed these standards as well as the Legislatures of Oklahoma and Arkansas, who have adopted these standards into law. While maintaining that this interrogatory is not reasonably susceptible to answer or supplementation, and without waiving the foregoing objections, Peterson Farms will supplement its answer to this interrogatory as discovery progresses.

Interrogatory No. 2: Please set forth all facts, describe all evidence and identify all documents that underlie or that you contend support the following assertion by you in paragraph 29 of your Answer [DKT #78]: "Peterson Farms does however specifically deny that it or the operations of any of the poultry farmers under contract with it are the source of any pollution or degradation."

Response: For its answer to this interrogatory, Peterson Farms incorporates its objections and answer to Interrogatory No. 1, above.

Interrogatory No. 3: Please set forth all facts, describe all evidence and identify all documents that underlie or that you contend support the following assertion by you in paragraphs 50 and 68 of your Answer [DKT #78]: "[T]o Peterson Farms' knowledge, the land application of poultry litter within the IRW is performed in compliance with 'good agricultural

practices' as recommended by Oklahoma State University, the Oklahoma Agricultural Extension Service, the University of Arkansas, the U.S.D.A. Natural Resources Conservation Service and Agricultural Research Service."

Response: Peterson Farms objects to the extent this interrogatory seeks to reach documents or information that are protected from disclosure, *see* General Objection No. 3. Peterson Farms directs Plaintiffs to its Initial Disclosures and the documents and reports identified thereon, specifically:

Document	Status and/or Location of Document
Independent Grower Contracts	Previously produced pursuant to Protective Order – Contained within PFIRWP documents
Nutrient Management Plans and/or Animal Waste Management Plans of independent poultry growers under contract with Peterson Farms in the IRW	Previously produced pursuant to Protective Order – Contained within PFIRWP documents to the extent contained within client grower files
Best Management Plans of independent poultry growers under contract with Peterson Farms in the IRW	Previously produced pursuant to Protective Order – Contained within PFIRWP documents to the extent contained within client grower files
All open poultry registration files from ODAFF in the Illinois River Watershed	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All closed poultry registration from ODAFF in the Illinois River Watershed	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All documentation related to poultry waste applicators both private and commercial from ODAFF including but not limited to licenses, applications for licenses, renewal applications, permits, sampling, correspondence, photographs, analysis and complaints	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All ODAFF files related to Confined Animal Feeding Operations ("CAFO") in the Illinois River Watershed including but not limited to licenses, applications for licenses, renewal applications, permits, sampling, correspondence, photographs, analysis and complaints	Publicly available through Oklahoma Department of Agriculture, Food and Forestry

Document	Status and/or Location of Document
<i>Relevance of Soil Testing to Agriculture and the Environment</i> , Council for Agricultural Science and Technology Issue Paper No. 15 (June 2000)	Previously produced PFIRWC – 000288-299
E. Collins, J. Barker, et al. <i>Poultry Waste Management Handbook</i> (1999)	Previously produced PFIRWC – 0007500-821
NRCS Conservation Practice Standard, Nutrient Management Code 590	Publicly available through Natural Resources Conservation Service
<i>Continuing Planning Process</i> , Oklahoma Department of Environmental Quality (2002)	Publicly available from Oklahoma Department of Environmental Quality
OSU Extension Fact Sheet F-2207, <i>How to Get a Good Soil Sample</i>	Publicly available through OSU Cooperative Extension
OSU Extension Fact Sheet F-2225, <i>OSU Soil Test Interpretations</i>	Publicly available through OSU Cooperative Extension
OSU Extension Fact Sheet F-2249, <i>Managing Phosphorous from Animal Manure</i>	Publicly available through OSU Cooperative Extension
OSU Extension Fact Sheet F-2901, <i>Procedures Used by OSU Soil, Water, and Forage Analytical Laboratory</i>	Publicly available through OSU Cooperative Extension
OSU Cooperative Extension Service Poultry Waste Management Project	http://www.poultrywaste.okstate.edu/index.asp
B. Haggard, P. Moore, et al., <i>Effect of Slope, Grazing and Aeration on Pasture Hydrology</i> (July 2002)	Previously produced PFIRWC – 439-447
R. Haygarth, A. Healthwaite, et al., <i>Hydrological Factors for Phosphorous Transfer from Agricultural Soils</i> , <i>Advances in Agronomy</i>	Previously produced PFIRWC – 448-473
A. Sharpley, <i>Identifying Sites Vulnerable to Phosphorous Loss in Agricultural Runoff</i> , <i>Journal of Environmental Quality</i> (Sep.-Oct. 1995)	Previously produced PFIRWC – 474-478
P. Moore, T. Daniel, et al. <i>Development of a Phosphorous Index for Pastures</i> , University of Arkansas	Previously produced PFIRWC – 488-496
W. Gburek, A. Sharpley, et al., <i>Phosphorous Management at the Watershed Scale. A Modification of the Phosphorous Index</i> , <i>Journal of Environmental Quality</i> (Jan.-Feb. 2000)	Previously produced PFIRWC – 497-511

Document	Status and/or Location of Document
<i>The Phosphorous Index: A Phosphorous Assessment Tool</i> , Natural Resource Conservation Service	Previously produced PFIRWC – 537-550
D. Pote, T. Daniel, et al., <i>Correlating Soil Test Phosphorous in Captina Silt Loam to Phosphorous Losses in Runoff</i> , Arkansas Water Resource Center	Previously produced PFIRWC – 551-575
A. Sharpely, T. Daniel, et al., <i>Determining Environmentally Sound Soil Phosphorous Levels</i> , Journal of Soil and Water Conservation (April 1996)	Previously produced PFIRWC – 576-583
B. Pickup, W. Andrews, et al., <i>Phosphorous Concentrations, Loads and Yields in the Illinois River Basin, Arkansas and Oklahoma 1997-2001</i> , OSRC, OWRB USGS, USDA (2003)	Previously produced PFIRWC – 631-677
S. Spicer, <i>Fertilizers, Manure or Biosolids? Researchers Compare the Benefits and Risks of Fertilizers and Soil Amendments</i> , Water Environment & Technology (July 2002)	Previously produced PFIRWC – 745-749
D. Edwards, T. Daniel, <i>A Comparison of Runoff Quality Effects on Organic and Inorganic Fertilizers Applied to Fescuegrass Plots</i> , Water Resources Bulletin (February 1994)	Previously produced PFIRWC – 1188-1194
D. Edwards, T. Daniel, et al., <i>Stream Quality Impacts of Best Management Practices in a Northwestern Arkansas Basin (Lincoln Lake Basin)</i> , Water Resources Bulletin (June 1996)	Previously produced PFIRWC – 1487-1508
Information on Oklahoma State University Manure and Animal Waste Program	http://www.animalwaste.okstate.edu/
Report to the Governor of the State of Oklahoma and the Governor of the State of Arkansas from the Arkansas/Oklahoma Environmental Task Force concerning Recommendations Addressing Shared Environmental Concerns (Dec. 1992)	Previously produced PFIRWC – 4479-4486
J. Lory and P. Scharf, <i>Threshold P Survey</i> , University of Missouri-Columbia	Previously produced PFIRWC – 4713-4715
H. Zang and B. McCray, <i>Oklahoma Agricultural Soil Test Summary 2000-2003</i> , OSU Cooperative Extension Service CR 2253	Previously produced PFIRWC – 4759
H. Zang, G. Johnson, et al., <i>How Phosphorous Addition and Removal Affecting Soil Test P Index</i> , OSU (April 1998)	Previously produced PFIRWC – 738-739

Document	Status and/or Location of Document
R. Maguire, Q. Letterings, et al., <i>Phosphorous Indices to Predict for Phosphorous Losses</i> , SERA-17 Taskforce	Previously produced PFIRWC – 740-744
A. Sharply, S. Chapra, et al., <i>Managing Agricultural Phosphorous for Protection of Surface Waters: Issues and Options</i> , Journal of Environmental Quality (June 1994)	Previously produced PFIRWC – 1061-1090
P. Vendrell, K. Steele, et al., <i>Upper White River BMP Implementation Project NPS Final Report 95-800</i> , Arkansas Water Resource Center (Dec. 2000)	Previously produced PFIRWC – 1388-1486
<i>Illinois River Watershed Monitoring Program - National Monitoring Project FY 1996, 319(h) Task 250 Calibration Report</i> , Oklahoma Conservation Commission (Jan. 1999)	Previously produced PFIRWC – 2967-3033
H. Zang, <i>Standard Operating Procedures for Collecting and Handling Soil Samples in Oklahoma</i> , OSU (Feb. 2003)	Publicly available through OSU Cooperative Extension Service PFIRWC – 694-695
USDA Natural Resources Conservation Service - <i>Animal Waste Management: National Engineering Handbook Part 651</i>	http://efotg.nrcs.usda.gov/treemenuFS.aspx?StateName=Oklahoma&MenuName=menuOK.zip&MenuType=2/
<i>Strategy for Restoration and Protection of Scenic River Watersheds Through Nutrient Management of Agricultural Activities</i> , ODAFF (2006)	Publicly available through ODAFF
Oklahoma Department of Agriculture, Food and Forestry, <i>Strategy for Restoration and Protection of Scenic River Watersheds Through Nutrient Management of Agricultural Activities</i> (2003)	Publicly available from ODAFF
All ODAFF files related to Confined Animal Feeding Operations (“CAFO”) in the Illinois River Watershed including but not limited to licenses, applications for licenses, renewal applications, permits, sampling, correspondence, photographs, analysis and complaints	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
Jennifer Weld, <i>Summary of Phosphorous Indices</i> (Dec. 2003)	Previously produced PFIRWC – 584-587
<i>Statement of Joint Principles and Actions</i> (Dec. 2003), executed by Marcus Devine, J. Randy Young, Miles Tolbert, Duane Smith, Edward H. Fite, III and Steven Thompson	Publicly available through Oklahoma Secretary of Environment

Document	Status and/or Location of Document
<i>Arkansas Soil and Water Conservation Commission Survey of Farms and Fertilizer</i> (Jan. 2005)	Previously produced PFIRWC – 284-287
D. Litke, <i>Review of Phosphorous Control Measures in the United States and Their Effects of Water Quality</i> , USGS (1999)	Previously produced PFIRWC – 4716-4758
H. Zhang, M. Fram, B. Woods, M. Smolen, <i>Demonstrating The Benefits of Poultry Litter as a Plant Nutrient Source and Soil</i>	Previously produced PFIRWC –000832-834
<i>Managing Manure Nutrients at Concentrated Animal Feeding Operations</i> (December 2004)	Previously produced PFIRWC – 000835-934
<i>Conservation Reserve Enhancement Program (CREP) Proposal for Illinois Watershed, State of Arkansas</i> (Jan. 2006)	Previously produced - PFIRWC-007340-7364
Powerpoint presentation, <i>Eucha Lake Watershed Implementation Project: Beaty Creek Watershed</i> , Oklahoma Conservation Commission	Previously produced PFIRWC –004264-4287
<i>Enforceable State Mechanisms for the Control of Nonpoint Source Water Pollution</i> , Environmental Law Institute (Oct. 1997)	Previously produced PFIRWC – 001195-1264
<i>Beaty Creek Watershed Demonstration Project Quality Assurance Project Plan</i> , Oklahoma Conservation Commission (March 1999)	Previously produced PFIRWC –001286-1340
<i>Draft Conservation Reserve Enhancement Program (CREP) Proposal for Spavinaw Lake and Lake Tenkiller Watersheds</i> (May 2005)	Previously produced PFIRWC – 003234-3254
<i>Arkansas' Nonpoint Source Pollution Management Program Annual Report 2002</i> , Arkansas Soil & Water Conservation Commission (Dec. 2002)	Previously produced PFIRWC – 003255-3311
Oklahoma Phosphorous Assessment Tool (2002)	http://efotg.nrcs.usda.gov/references/public/OK/OK_P_Assessment_Worksheet_307.xls
July 14, 2000 Correspondence from State of Oklahoma to Poultry Waste Applicators	Previously produced PFIRWC – 006720-6731
Memorandum from D.J. Parrish regarding Registered Poultry Operations in Either the Tenkiller or New Spiro Nutrient Limited Watersheds (August 2006)	Publicly available from ODAFF
Oklahoma Department of Agriculture, Food and Forestry, <i>Actions Relevant to the Scenic Rivers Act and Water Quality Standards</i> (2005)	Publicly available from ODAFF

Peterson Farms also incorporates its answer and objections to Interrogatory No. 1, above.

Interrogatory No. 4: Please set forth all facts, describe all evidence and identify all documents that underlie or that you contend support the following assertion by you in paragraph 77 of your Answer [DKT #78]: "Peterson asserts that if CERCLA does apply to this action, then the State of Oklahoma is also a potentially responsible party as a result of its conduct with regard to the IRW"

Response: Peterson Farms objects to the extent this interrogatory seeks to reach documents or information that are protected from disclosure, *see* General Objection No. 3. Peterson Farms asserts that in the event a finding is made by this Court that the land application of poultry litter within the IRW is within the jurisdiction of CERCLA, then the Plaintiffs are liable as potentially responsible parties for their ownership and operation of lands and waste management systems within the IRW, including, but not limited to state parks, waste treatment lagoons, waste catchments and access areas, which have released or threaten to release substances similar in nature to those alleged to be contained within any poultry litter land applied by poultry growers formerly under contract with Peterson Farms. Given that Plaintiffs have failed to respond to discovery requesting the identification of the lands they own, operate and control, Peterson Farms is limited in its ability to answer this interrogatory. Peterson Farms also directs the Plaintiffs to the following documents:

Document	Status and/or Location of Document
Information on <i>Cherokee Landing State Park</i>	http://www.oklahomaparks.com/detail.asp?id=1+5U+3587
Information on <i>Natural Falls State Park</i>	http://www.oklahomaparks.com/detail.asp?id=1+5U+3603
Information on <i>Adair State Park</i>	http://www.oklahomaparks.com/detail.asp?id=1+5U+3579
Information on <i>Lake Tenkiller State Park</i>	http://www.oklahomaparks.com/detail.asp?id=1+5U+3587

Document	Status and/or Location of Document
Oklahoma State Park Information	http://www.travelok.com/ada-rec/detail.asp?region=NE#17
Oklahoma Legislature Press Release regarding environmental problems at State Parks	http://www.lsb.state.ok.us/house/news5093.htm
Information on <i>Tenkiller State Park</i> Environmental Issues	http://www.tenkiller.net/parkprob.htm
Map of Natural Falls State Park created by Southeast Publications USA, Inc.	Previously produced – PCD-TP-003970
Map of Adair State Park	Included on Disk – PCD-TP-003971
Map of Cherokee Landing State Park created by Southeast Publications USA, Inc.	http://www.oklahomaparks.com/images/map_park/cherokeelanding.pdf
Map of Tenkiller State Park created by Southeast Publications USA, Inc.	http://www.rvingusa.com/map.cfm?map=1358map%2Ejpg
Echota Bend Project - Oklahoma Water Resources Board and Environmental Protection Agency	Included on Disk – PCD-TP-003995-3999
Oklahoma State Parks & Resorts Guide	Previously produced PFIRWC –003716-3739
Oklahoma – 2004 Guide to RV Parks, Lakes & Campgrounds	Previously produced PFIRWC –004042-4097
Documents obtained through Open Records Act Request to <i>Oklahoma Department of Tourism and Recreation</i>	Publicly available through Oklahoma Department of Tourism and Recreation
<i>Greater Tenkiller Area 2004 Visitors Guide</i>	Publicly available through Oklahoma Tourism and Recreation Department
<i>Tenkiller Area Visitors Guide</i>	http://www.laketenkiller.com/directory.asp

Interrogatory No. 5: Please set forth all facts, describe all evidence and identify all documents that underlie or that you contend support the following assertion by you in paragraph 18 of your Answer ("Affirmative and Other Defenses" section) [DKT #78]: "Peterson does not direct, manage, control or operate any poultry operation within the IRW, particularly with regard to the land application of poultry waste or decisions regarding environmental compliance."

Response: Peterson Farms objects to this interrogatory as overly broad and burdensome as it contains no time limitation. Further, Peterson Farms objects to the extent this interrogatory seeks to reach documents or information that are protected from disclosure, *see* General Objection No. 3. Subject to and without waiving the foregoing objections and the General Objections, Peterson Farms states that it does not own or operate any poultry-related facility within the IRW. Peterson Farms refers Plaintiffs to the contracts for the poultry growers formerly under contract with it, as well as the growers' Nutrient Management Plans and Animal Waste Management Plans, to the extent they are within Peterson Farms' possession, all of which have previously been produced to Plaintiffs. Peterson Farms directs Plaintiffs to the exhibits introduced in the deposition of Al Saunders, as well as the deposition testimony of Agriculture Secretary, Terry Peach. Peterson Farms also directs Plaintiffs to the statutes and regulations of Oklahoma and Arkansas, which control the conduct of poultry growers and litter applicators.

Interrogatory No. 6: Please set forth all facts, describe all evidence and identify all documents that underlie or that you contend support the following assertion by you in paragraph 22 of your Answer ("Affirmative and Other Defenses" section) [DKT #78]: "[P]oultry litter is a useful product, not waste or discarded material."

Response: Peterson Farms objects to this interrogatory as being overly broad and burdensome, as Peterson Farms cannot possibly identify every document that supports the subject contention. Subject to and without waiving the foregoing objection and the General Objections, Peterson Farms directs Plaintiffs to the following documents identified on Peterson Farms' Initial Disclosures:

Document	Status and/or Location of Document
Independent Grower Contracts	Previously produced pursuant to Protective Order – Contained within PFIRWP documents

Document	Status and/or Location of Document
Nutrient Management Plans and/or Animal Waste Management Plans of independent poultry growers under contract with Peterson Farms in the IRW	Previously produced pursuant to Protective Order – Contained within PFIRWP documents to the extent contained within client grower files
Best Management Plans of independent poultry growers under contract with Peterson Farms in the IRW	Previously produced pursuant to Protective Order – Contained within PFIRWP documents to the extent contained within client grower files
All open poultry registration files from ODAFF in the Illinois River Watershed	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All closed poultry registration from ODAFF in the Illinois River Watershed	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All documentation related to poultry waste applicators both private and commercial from ODAFF including but not limited to licenses, applications for licenses, renewal applications, permits, sampling, correspondence, photographs, analysis and complaints	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
Shannon Haraughty, <i>Comprehensive Basin Management Plan for the Illinois River Basin in Oklahoma</i> , Oklahoma Conservation Commission (May 1999)	Publicly available through the Oklahoma Conservation Commission
NRCS Conservation Practice Standard, Nutrient Management Code 590	Publicly available through Natural Resources Conservation Service
OSU Extension Fact Sheet F-2249, <i>Managing Phosphorous from Animal Manure</i>	Publicly available through OSU Cooperative Extension
OSU Cooperative Extension Service Poultry Waste Management Project	http://www.poultrywaste.okstate.edu/index.asp
<i>Relevance of Soil Testing to Agriculture and the Environment</i> , Council for Agricultural Science and Technology Issue Paper No. 15 (June 2000)	Previously produced PFIRWC-000288 PFIRWC-000299
A. Sharpley, <i>Identifying Sites Vulnerable to Phosphorous Loss in Agricultural Runoff</i> , Journal of Environmental Quality (Sep.-Oct. 1995)	Previously produced PFIRWC-000474 PFIRWC-000478
P. Moore, T. Daniel, et al. <i>Development of a Phosphorous Index for Pastures</i> , University of Arkansas	Previously produced PFIRWC-000488 PFIRWC-000496

Document	Status and/or Location of Document
W. Gburek, A. Sharpley, et al., <i>Phosphorous Management at the Watershed Scale: A Modification of the Phosphorous Index</i> , Journal of Environmental Quality (Jan.-Feb. 2000)	Previously produced PFIRWC-000497 PFIRWC-000511
A. Sharpley, T. Daniel, et al., <i>Determining Environmentally Sound Soil Phosphorous Levels</i> , Journal of Soil and Water Conservation (April 1996)	Previously produced PFIRWC-000576 PFIRWC-000583
S. Spicer, <i>Fertilizers, Manure or Biosolids? Researchers Compare the Benefits and Risks of Fertilizers and Soil Amendments</i> , Water Environment & Technology (July 2002)	Previously produced PFIRWC-000745 PFIRWC-000749
H. Zhang, M. Fram, B. Woods, M. Smolen, <i>Demonstrating The Benefits of Poultry Litter as a Plant Nutrient Source and Soil</i>	Previously produced PFIRWC-000832 PFIRWC-000834
D. Edwards, T. Daniel, <i>A Comparison of Runoff Quality Effects on Organic and Inorganic Fertilizers Applied to Fescuegrass Plots</i> , Water Resources Bulletin (February 1994)	Previously produced PFIRWC-001188 PFIRWC-001194
Information on Oklahoma State University Manure and Animal Waste Program	http://www.animalwaste.okstate.edu/
Report to the Governor of the State of Oklahoma and the Governor of the State of Arkansas from the Arkansas/Oklahoma Environmental Task Force concerning Recommendations Addressing Shared Environmental Concerns (Dec. 1992)	Previously produced PFIRWC-004478 PFIRWC-004486
H. Zang, G. Johnson, et al., <i>How Phosphorous Addition and Removal Affecting Soil Test P Index</i> , OSU (April 1998)	Previously produced PFIRWC-004760 PFIRWC-004761
R. Maguire, Q. Letterings, et al., <i>Phosphorous Indices to Predict for Phosphorous Losses</i> , SERA-17 Taskforce	Previously produced PFIRWC-000740 PFIRWC-000744
A. Sharply, S. Chapra, et al., <i>Managing Agricultural Phosphorous for Protection of Surface Waters: Issues and Options</i> , Journal of Environmental Quality (June 1994)	Previously produced PFIRWC-001061 PFIRWC-001090
S. Smith, <i>Poultry Litter: Forage and Livestock Considerations</i> , OSU #1262 0496	Previously produced PFIRWC-003414 PFIRWC-003417

Document	Status and/or Location of Document
S. Titco, <i>Memorandum Regarding Use of Chicken Litter/Manure in Commercial Organic Fertilizer</i> , Scott's Company (Oct. 2005)	Previously produced PFIRWC-003675 PFIRWC-003677
H. Zang, <i>Standard Operating Procedures for Collecting and Handling Soil Samples in Oklahoma</i> , OSU (Feb. 2003)	Publicly available through OSU Cooperative Extension Service
USDA Natural Resources Conservation Service - <i>Animal Waste Management: National Engineering Handbook Part 651</i>	http://efotg.nrcs.usda.gov/treemenuFS.aspx?StateName=Oklahoma&MenuName=menuOK.zip&MenuType=2/
<i>Strategy for Restoration and Protection of Scenic River Watersheds Through Nutrient Management of Agricultural Activities</i> , ODAFF (2006)	Publicly available through ODAFF
Oklahoma Department of Agriculture, Food and Forestry, <i>Strategy for Restoration and Protection of Scenic River Watersheds Through Nutrient Management of Agricultural Activities</i> (2003)	Publicly available from ODAFF
All ODAFF files related to Confined Animal Feeding Operations ("CAFO") in the Illinois River Watershed including but not limited to licenses, applications for licenses, renewal applications, permits, sampling, correspondence, photographs, analysis and complaints	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
E. Collins, J. Barker, et al. <i>Poultry Waste Management Handbook</i> (1999)	Previously produced PFIRWC-000750 PFIRWC-000821
<i>Illinois River and Baron Fork Watershed Implementation Plan</i> , Oklahoma Conservation Commission	Publicly available through Oklahoma Conservation Commission
Jennifer Weld, <i>Summary of Phosphorous Indices</i> (Dec. 2003)	Previously produced PFIRWC-000584 PFIRWC-000587
<i>Statement of Joint Principles and Actions</i> (Dec. 2003), executed by Marcus Devine, J. Randy Young, Miles Tolbert, Duane Smith, Edward H. Fite, III and Steven Thompson	http://www.environment.ok.gov/documents/News/ArkOk_FinalStatement_18Dec03.pdf
<i>Arkansas Soil and Water Conservation Commission Survey of Farms and Fertilizer</i> (Jan. 2005)	Previously produced PFIRWC-000284 PFIRWC-000287
<i>The Phosphorous Index: A Phosphorous Assessment Tool</i> , Natural Resource Conservation Service	Previously produced PFIRWC-000537 PFIRWC-000550

Document	Status and/or Location of Document
<i>Managing Manure Nutrients at Concentrated Animal Feeding Operations</i> (December 2004)	Previously produced PFIRWC-000835 PFIRWC-000934
Powerpoint presentation, <i>Eucha Lake Watershed Implementation Project: Beaty Creek Watershed</i> , Oklahoma Conservation Commission	Previously produce PFIRWC-004264 PFIRWC-004287
<i>Beaty Creek Watershed Demonstration Project Quality Assurance Project Plan</i> , Oklahoma Conservation Commission (March 1999)	Previously produced PFIRWC-004762 PFIRWC-004816
<i>Draft Conservation Reserve Enhancement Program (CREP) Proposal for Spavinaw Lake and Lake Tenkiller Watersheds</i> (May 2005)	Previously produced PFIRWC-003234 PFIRWC-003254
Technical Bulletin from Alpharma, Animal Health Division, 3-Nitro is Alpharma's Brand of Roxarsone (1999)	Previously produced PFIRWC 3412-3413
<i>Environmental Impact Analysis Report</i> , Salsbury Laboratories, Inc. (March 1981)	Previously produced PFIRWC 3418-3463
E. Walde, <i>Technical Memorandum No. 26, 3-Nitro-4-Hydroxyphenylarsonic Acid</i> , Salsbury Laboratories, Inc. (Aug. 1955)	Previously produced PFIRWC 6585-6589
N. Morehouse, <i>The Use of 3-Nitro in Broiler Chicken Feed and Its Impact on the Community Environment</i> , Solvay Animal Health, Inc.	Previously produced PFIRWC 3579-3593
Oklahoma Phosphorous Assessment Tool 8/1/1994	Previously produced PFIRWC 537-550
July 14, 2000 Correspondence from State of Oklahoma to Poultry Waste Applicators	Previously produced PFIRWC 6720-6731
USDA Correspondence from R. Chaney to K. Shenk dated June 17, 2005 regarding arsenic issues	Previously produced PFIRWC 7186-7191
FDA correspondence to Alpharma, Inc. dated November 11, 2006 regarding FDA position on arsenical new animal drug products	To Be Produced

Interrogatory No. 7: Please set forth all facts, describe all evidence and identify all documents that underlie or that you contend support the following assertion by you in paragraph 29 of your Answer ("Affirmative and Other Defenses" section) [DKT #78]: "[T]he

'natural resource damages' alleged by Plaintiffs [sic] are the result of natural processes and the normal and expected effects of society upon the watershed in which it thrives."

Response: Peterson Farms objects to this interrogatory as being overly broad and burdensome, as Peterson Farms cannot possibly identify every document that supports the subject contention. Furthermore, the interrogatory requests facts and evidence which necessarily call for and require expert opinions, which will be provided in accordance with the Scheduling Order or any other Order of the Court. Subject to and without waiving the foregoing objection and the General Objections, Peterson Farms directs Plaintiffs to the following documents identified on Peterson Farms' Initial Disclosures:

Document	Status and/or Location of Document
Public Water Supply Surface Water Permits Issued Below Lake Tenkiller Dam from Oklahoma Water Resources Board	Previously produced Contained in Range PCD-TP-0000001-003698
Articles and reports from various media outlets regarding water issues in the Illinois River Watershed	Previously produced PFIRWC 3740-5041
Corporate Information from Oklahoma Secretary of State relating to incorporated Third Party Defendants	Previously produced Contained in range PFIRWC-005065-5683
USDA Agricultural Census Data	Publicly available from United States Department of Agriculture
Documents obtained through Open Records Act Request to <i>Oklahoma Department of Mines</i>	Publicly available through Oklahoma Department of Mines
Documents obtained through Open Records Act Request to <i>Oklahoma Department of Tourism and Recreation</i>	Publicly available through Oklahoma Department of Tourism and Recreation
Documents obtained through Open Records Act Request to <i>City of Watts</i>	Publicly available through City of Watts
Documents obtained through Open Records Act Request to <i>Oklahoma State University</i>	Publicly available through Oklahoma State University

Document	Status and/or Location of Document
All documents related to Livestock Auction/Markets including but not limited to licenses, applications for licenses, renewal applications, permits, sampling, correspondence, photographs, analysis, inspections and complaints for the Illinois River Watershed	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All reports prepared by ODAFF on the Illinois River Watershed including but not limited to all backup data, photographs, the Curtis Report and all supplements to it	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All agreements between ODAFF and other state and federal agencies related to the Illinois River Watershed, water quality or agriculture	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All articles, studies or agency reports reviewed or relied upon by ODAFF related to water quality or agriculture	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All closed ODAFF complaints in the Illinois River Watershed	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All open poultry registration files from ODAFF in the Illinois River Watershed	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All closed poultry registration from ODAFF in the Illinois River Watershed	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All documentation related to poultry waste applicators both private and commercial from ODAFF including but not limited to licenses, applications for licenses, renewal applications, permits, sampling, correspondence, photographs, analysis and complaints	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All ODAFF files related to Confined Animal Feeding Operations ("CAFO") in the Illinois River Watershed including but not limited to licenses, applications for licenses, renewal applications, permits, sampling, correspondence, photographs, analysis and complaints	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All ODAFF Dairy Services files for operations within the Illinois River Watershed including but not limited to licenses, applications for licenses, renewal applications, permits, sampling, correspondence, photographs, analysis, inspection reports and complaints	Publicly available through Oklahoma Department of Agriculture, Food and Forestry

Document	Status and/or Location of Document
All ODAFF files regarding fertilizer use within the Illinois River Watershed including but not limited to licenses, applications for licenses, renewal applications, permits, sampling, correspondence, photographs, analysis and complaints	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All ODAFF files regarding pesticide use within the Illinois River Watershed including but not limited to licenses, applications for licenses, renewal applications, permits, sampling, correspondence, photographs, analysis and complaints	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All ODAFF files related to Confined Animal Feeding Operations ("CAFO") in the Illinois River Watershed including but not limited to licenses, applications for licenses, renewal applications, permits, sampling, correspondence, photographs, analysis and complaints	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
All documentation of any projects conducted by ODAFF or in cooperation with other state or federal agencies within the Illinois River Watershed	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
Brochures for float operators and resorts along the Illinois River	Previously produced PFIRWC - 003678-4151
Deeds for real property owned, operated or controlled by Third Party Defendants	Previously produced Contained in Range PFIRWC 5065-5683
Information on <i>Greenleaf Nursery</i>	http://www.greenleafnursery.com/
Information on <i>Cherry Springs Golf Club</i>	http://www.thegolfcourses.net/golfcourses/OK/8590.htm
Draft TMDL for Lake Tenkiller (April 2000)	Publicly available through Oklahoma Department of Environmental Quality
Draft TMDL for Illinois River Watershed (2000)	Publicly available through Oklahoma Department of Environmental Quality
<i>Greater Tenkiller Area 2004 Visitors Guide</i>	Publicly available through Oklahoma Tourism and Recreation Department
<i>Tenkiller Area Visitors Guide</i>	http://www.laketenkiller.com/directory.asp
<i>Tenkiller Lake (Illinois River, Oklahoma) Shoreline Management Plan: Design Memorandum 12B Master Plan</i> , Department of Army, Tulsa District Corps of Engineers (1996)	Publicly available through Tulsa District Corps of Engineers; http://www.swt.usace.army.mil/library/ShorelineManagementPlan/tenkiller/TenkillerSMP.html

Document	Status and/or Location of Document
Shannon Haraughty, <i>Comprehensive Basin Management Plan for the Illinois River Basin in Oklahoma</i> , Oklahoma Conservation Commission (May 1999)	Publicly available through the Oklahoma Conservation Commission
Oklahoma Attorney General Opinion, <i>Question Submitted by Brian C. Griffin, Secretary of Environment</i> , 1997 OK AG 95	Publicly available through Oklahoma Supreme Court Network (OSCN)
<i>Oklahoma Total Maximum Daily Load Practitioners Guide</i> , Oklahoma Department of Environmental Quality	Publicly available from Oklahoma Department of Environmental Quality
OWRB & OSRC, <i>Illinois River Basin Tour</i> (Aug. 12, 2002)	Publicly available from Oklahoma Water Resources Board
Miles Tolbert, <i>Coordinated Watershed Restoration and Protection for Oklahoma's Impaired Scenic Rivers</i> (Jan. 31, 2003)	Publicly available from Secretary of Environment
Miles Tolbert, <i>Coordinated Watershed Restoration and Protection Strategy for Oklahoma's Impaired Scenic Rivers - Calendar Year 2003 Update Report</i> (Jan. 31, 2004)	Publicly available from Secretary of Environment
Kevin Wagner, <i>Water Quality Technical Assistance in the Illinois River Basin</i> , Oklahoma Conservation Commission (May 1997)	Publicly available through the Oklahoma Conservation Commission
<i>Watershed Restoration Action Strategy (WRAS) for Illinois River/Baron Fork Watershed</i> , Oklahoma Conservation Commission (July 1999)	Publicly available through Oklahoma Conservation Commission
<i>Illinois River Watershed Monitoring Program - National Monitoring Project</i> , Oklahoma Conservation Commission (Jan. 25, 1999)	Publicly available through Oklahoma Conservation Commission
<i>The Illinois River Management Plan 1999</i> , Oklahoma Scenic Rivers Commission, Oklahoma State University and National Park Service	Previously produced PFIRWC 2398-2541
<i>Illinois River and Baron Fork Watershed Implementation Plan</i> , Oklahoma Conservation Commission	Publicly available through Oklahoma Conservation Commission
<i>Oklahoma's NPS Annual Report</i> , Oklahoma Conservation Commission (2004)	Publicly available through Oklahoma Conservation Commission
<i>Oklahoma's Nonpoint Source Management Program and Nonpoint Assessment Report 2000-2015, Final Draft</i> , Oklahoma Conservation Commission	Publicly available through Oklahoma Conservation Commission

Document	Status and/or Location of Document
R. Daren Harmel, C.T. Haan and Russell C. Dutnell, <i>Evaluation of Rosgen's Streambank Erosion Potential Assessment in Northeast Oklahoma</i> , Journal of the American Water Resources Association (Feb. 1999)	Previously produced PFIRWC 2389-2397
<i>Give the Illinois River a Hand—Help Prevent Urban Storm Water Pollution</i>	Publicly available through OSU Cooperative Extension
<i>Protect the Illinois River from Nutrient Pollution</i>	Publicly available through OSU Cooperative Extension
<i>Protect Riparian Areas for the Illinois River</i>	Publicly available through OSU Cooperative Extension
Jennifer Weld, <i>Summary of Phosphorous Indices</i> (Dec. 2003)	Previously produced PFIRWC 584-587
Information on EPA Management Measures for Control of Nonpoint Source Pollution from Forestry	http://www.epa.gov/owow/nps/forestry/mgmt/
<i>Beneficial Use Monitoring Program (BUMP) Lakes Monitoring Program</i>	http://www.owrb.state.ok.us/studies/reports/bump/2004/bump2004.php
D. Osgood, <i>Lake Sensitivity to Phosphorous Changes. Planning for Better Lakes</i> , Lakeline (2000)	Previously produced PFIRWC 300-302
D. Terry and B. Kirby, <i>Commercial Fertilizers</i> , AAPFCO (2000)	Previously produced PFIRWC 303-438
I. Chaubey, W.R. Green, et al., <i>Phosphorous Sources in an Ozark Catchment USA: Have We Forgotten Phosphorous from Discrete Sources?</i> (2003)	Previously produced PFIRWC 732-737
S. Spicer, <i>Fertilizers, Manure or Biosolids? Researchers Compare the Benefits and Risks of Fertilizers and Soil Amendments</i> , Water Environment & Technology (July 2002)	Previously produced PFIRWC 745-749
R. Sheffield, S. Mostaghimi, et al., <i>Off-Stream Water Sources for Grazing Cattle as a Stream Bank Stabilization and Water Quality BMP</i> (Aug. 1996)	Previously produced PFIRWC 822-831
Nikole L. Witt, <i>Dairy Waste Management Implementation Project</i> , OCC Task #53, Fy 1994 319(h) Task #300 EPA Grant #C9-996 100-02-0, Okla. Conservation Commission (August, 2000)	Previously produced PFIRWC 939-1035

Document	Status and/or Location of Document
D. Edwards, T. Daniel, <i>A Comparison of Runoff Quality Effects on Organic and Inorganic Fertilizers Applied to Fescuegrass Plots</i> , Water Resources Bulletin (February 1994)	Previously produced PFIRWC 1188-1194
2005 Oklahoma Nursery/Floral License Directory	Previously produced Contained in Range PCD-TP-0000001-003698
Information on <i>Sequoyah Fuels</i>	http://www.globalsecurity.org/wmd/facility/gore.htm ; http://www.epa.gov/fedrgstr/EPA-IMPACT/2000/October/Day-02/i25236.htm ; http://www.nrc.gov/info-finder/decommissioning/uranium/sequoyah-fuels-corporation-sfc-.html ; http://www.nrc.gov.edgesuite.net/reading-rm/doc-collections/news/2002/02-133.pdf
Press Release - <i>Edmondson Wants Hearing on Sequoyah Fuels Clean Up</i>	http://www.oag.state.ok.us/oagweb.nsf/0/3ce10da864ee80d486256d260079e927?OpenDocument
Information on <i>Flint Ridge</i>	http://www.flintridge.homestead.com/
Information on <i>Eagle Bluff Resort</i>	http://www.thetent.com/arcadia/ok/okcr_eaglebluff.htm
2005 Water Quality Standards Revisions – OWRB	Publicly available through OWRB
List of Water Systems in Illinois River Watershed – ODEQ	Previously produced Contained in Range PCD-TP-0000001-003698
Information on <i>Cherokee Landing State Park</i>	http://www.oklahomaparks.com/detail.asp?id=1+5U+3587
Information on <i>Natural Falls State Park</i>	http://www.oklahomaparks.com/detail.asp?id=1+5U+3603
Information on <i>Adair State Park</i>	http://www.oklahomaparks.com/detail.asp?id=1+5U+3579
Information on <i>Lake Tenkiller State Park</i>	http://www.oklahomaparks.com/detail.asp?id=1+5U+3587
Information from <i>National Water Program</i>	http://www.usawaterquality.org/themes/watershed/
Oklahoma State Park Information	http://www.travelok.com/ada-rec/detail.asp?region=NE#17
Oklahoma Legislature Press Release regarding environmental problems at State Parks	http://www.lsb.state.ok.us/house/news5093.htm
Information on <i>Tenkiller State Park</i> Environmental Issues	http://www.tenkiller.net/parkprob.htm
Oklahoma Scenic Rivers Commission - <i>Floaters Guide</i>	http://biosystems2.okstate.edu/scenic/files/2006floaters_guide.pdf

Document	Status and/or Location of Document
Oklahoma Municipal Dischargers in the Illinois River Watershed - U.S. Environmental Protection Agency Water Discharge Permits Compliance System (PCS)	Publicly available through Oklahoma Department of Environmental Quality
List of Public Water Supply Surface Water Permits Issued Above Lake Tenkiller Dam from Oklahoma Water Resources Board	Publicly available through Oklahoma Water Resources Board
Incident Status Summary (ICS-209) for Wildland Fire at Wauhilla Club for February 25, 2006 from National Fire and Aviation Management Web Applications	Previously produced Contained in Range PCD-TP-0000001-003698
Incident Status Summary (ICS-209) for Wildland Fire at Wauhilla Club for February 26, 2006 from National Fire and Aviation Management Web Applications	Previously produced Contained in Range PCD-TP-0000001-003698
Map of Natural Falls State Park created by Southeast Publications USA, Inc.	http://www.rvingusa.com/map.cfm?map=3420map%2Ejpg
Map of Adair State Park	Previously Produced PCD-TP-0003971
Map of Cherokee Landing State Park created by Southeast Publications USA, Inc.	http://www.oklahomaparks.com/images/map_park/cherokeelanding.pdf
Map of Tenkiller State Park created by Southeast Publications USA, Inc.	http://www.rvingusa.com/map.cfm?map=1358map%2Ejpg
Echota Bend Project - Oklahoma Water Resources Board and Environmental Protection Agency	Previously Produced PCD-TP-0003995-3999
Oklahoma State Parks & Resorts Guide	Previously produced PFIRWC 3716-3739
Tahlequah Area 2004 Calendar of Events	Previously produced PFIRWC 3692-3693
Pure Mountain - Innovative Cost-Effective Waste Water Management Solutions	Previously produced PFIRWC 3686-3687
The Oklahoma Natural Areas Registry – A Special Program for Landowners	Previously produced PFIRWC-003698 PFIRWC-003699
Oklahoma – 2004 Guide to RV Parks, Lakes & Campgrounds	Previously produced PFIRWC 4042-4097
2004 Oklahoma Travel Guide	Previously produced PFIRWC 3854-3999
Information on <i>Fin and Feather Resort</i>	http://www.finandfeatherresort.com/
Information on <i>Tenkiller Golf Club</i>	http://tenkillergolf.com/

Document	Status and/or Location of Document
Information on <i>Burnt Cabin Marina and Resort</i>	http://www.burntcabin.com/
Information on <i>Sixshooter Marina and Resort</i>	http://www.sixshooterresort.homestead.com/
Information on <i>Falcon Floats</i>	http://www.illinoisriver.net/
Information on <i>Pine Cove Marina</i>	http://www.pinecovemarina.net/
Information on <i>Spencer Ridge Resort</i>	http://www.lindsey.com/temp/spotlights/spencer.asp
Information on <i>Pine Valley Cabins</i>	http://www.pinevalleycabins.com/
Information on <i>Snake Creek Marina</i>	http://www.snakecreekmarina.com/
Information on <i>Arrowhead Resort</i>	http://www.arrowhead-thunderbird.com/ArrowheadPage.html
Information on <i>War Eagle Resort</i>	http://www.wareagleresort.com/
Lake & River - A Special Supplement to the <i>Tahlequah Daily Press</i> , August 2004	Previously produced PFIRWC 3740-3755
Summer & Fall 2004 - Pow Wow & Tourism Guide	Previously produced PFIRWC 3756-3779
US Army Corps of Engineers Recreational Information for Tenkiller Ferry Lake	http://www.swt.usace.army.mil/recreat/OPSField.CFM?tblOPSField_LakeName=Tenkiller%20Lake
Information on Lake Tenkiller Marinas	http://www.tenkiller.net/marinas.htm
Maps prepared by ODAFF of Eastern Oklahoma, Adair, Cherokee, Delaware and Sequoyah Counties	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
U.S. Department of Agriculture National Agricultural Statistics	http://www.nass.usda.gov/Charts_and_Maps/index.asp
<i>Gore Public Works Authority 2004 Annual Drinking Water Quality Report</i> , Sequoyah County Times (Sep. 2005)	Previously produced PFIRWC 4633-4637
J. Boerngen and H. Shacklette, <i>Chemical Analysis of Soils and Other Superficial Materials of the Coterminous United States</i> , U.S. Department of Interior (1981)	Previously produced PFIRWC 5026-5039
<i>Water: Biosolids Management in Oklahoma: Considerations of a Biosolids Land Application Process</i> , ODEQ	Previously produced PFIRWC 4458
H. Zang, N. Basta and J. Steigler, <i>Using Biosolids as a Plant Nutrient Source</i> , OSU Cooperative Extension Service CR-2201	Publicly available through OSU Cooperative Extension Service
EPA Guide to Part 503 Rule, Chapter 2 - Land Application of Biosolids	Publicly available through the US EPA
<i>Water: Biosolids Management in Oklahoma: What is Land Application of Biosolids?</i> , ODEQ Water Quality Division	Publicly available through Oklahoma Department of Environmental Quality

Document	Status and/or Location of Document
<i>Land: Biosolids</i> , ODEQ	Publicly available through Oklahoma Department of Environmental Quality
Information on Livestock Auctions	http://www.noble.org/Ag/Livestock/OKAuctions/byAuction.html#
<i>Stage 1 Disinfectants and Disinfection Byproducts Rule: A Quick Reference Guide</i> , EPA (May 2001)	Publicly available through US EPA
R. Kennedy, <i>Basinwide Considerations for Water Quality Management: Importance of Phosphorous Retention by Reservoirs</i> , U.S. Army Corps of Engineers (July 1998)	Previously produced PFIRWC 1176-1187
C. Reynolds, <i>Phosphorous Recycling in Lakes: Evidence from Large Limnetic Enclosures for the Importance of Shallow Sediments</i> , Freshwater Biology (1996)	Previously produced PFIRWC 1341 1361
E. Welch, <i>Eutrophication</i> , University of Washington Journal WPCF (June 1977)	Previously produced PFIRWC 1362-1365
<i>Framework for a Watershed Management Program</i> , Water Environment Research Foundation (1996)	Previously produced PFIRWC 1509-1527
<i>Evaluation of Movement of Septic System Effluent from Lake Development into Near-Shore Areas of Table Rock Lake</i> , MEC (Dec. 2001)	Previously Produced PFIRWC-007211-7273
<i>Illinois River Watershed Monitoring Program - National Monitoring Project FY 1996, 319(h) Task 250 Calibration Report</i> , Oklahoma Conservation Commission (Jan. 1999)	Previously produced PFIRWC 2967-3033
<i>Oklahoma Nonpoint Source Program - Annual Report 2003</i> , Oklahoma Conservation Commission	Previously produced PFIRWC 3034-3067
<i>Top 10 Watershed Lessons Learned</i> , EPA (Sep. 1997)	Previously produced PFIRWC 3068-3157
<i>Arkansas' Nonpoint Source Pollution Management Program Annual Report 2002</i> , Arkansas Soil & Water Conservation Commission (Dec. 2002)	Previously produced PFIRWC 3255-3311
<i>Oklahoma Water Watch: Greater Tenkiller Area Association and Illinois River OWW Chapters Draft 1997-2000 Data Summary</i>	Previously produced PFIRWC 3320-3375
<i>Urban Ecosystem Analysis Benton and Washington Counties, Arkansas - Calculating the Value of Nature</i> (Sep. 2002)	Previously produced PFIRWC 3376-3387

Document	Status and/or Location of Document
Secretary of the Environment, <i>Coordinated Watershed Restoration and Protection Strategy for Oklahoma's Impaired Scenic Rivers - 2005 Update</i> (Sep. 2005)	Publicly available through the Office of the Secretary of Environment
<i>Arkansas Distribution of Fertilizer Sales by Counties</i> , Arkansas State Plant Board (1996-1997)	Previously produced PFIRWC 6327-6378
<i>Arkansas Distribution of Fertilizer Sales by Counties</i> , Arkansas State Plant Board (1997-1998)	Previously produced PFIRWC 6431-6481
<i>Arkansas Distribution of Fertilizer Sales by Counties</i> , Arkansas State Plant Board (1998-1999)	Previously produced PFIRWC 6379-6430
<i>Arkansas Distribution of Fertilizer Sales by Counties</i> , Arkansas State Plant Board (1999-2000)	Previously produced PFIRWC 6482-6533
Eutrophic Lakes of Oklahoma per BUMP program OWRB 2004, 2005	Previously produced PFIRWC 6905-6907
Brian Haggard and Thomas Soerens, <i>Sediment Phosphorous Release at Lake Francis on the Illinois River, Arkansas and Oklahoma</i> , 2003	Previously Produced PFIRWC-007274-7296
Brian Haggard and Thomas Soerens, <i>Sediment Phosphorous Release at a Small Impoundment on the Illinois River, Arkansas and Oklahoma, USA</i>	Previously Produced PFIRWC-007297
David Fahrenthold, <i>Wildlife Waste is a Major Polluter, Study Says</i> , Washington Post (Sept. 2006)	http://www.washingtonpost.com/wp-dyn/content/article/2006/09/28/AR2006092801994.html
<i>Statement of Joint Principles and Actions</i> (Dec. 2003), executed by Marcus Devine, J. Randy Young, Miles Tolbert, Duane Smith, Edward H. Fite, III and Steven Thompson	http://www.environment.ok.gov/documents/News/ArkOk_FinalStatement_18Dec03.pdf
Powerpoint presentation, <i>Eucha Lake Watershed Implementation Project: Beaty Creek Watershed</i> , Oklahoma Conservation Commission	Previously produced PFIRWC 4264-4287
<i>Beaty Creek Watershed Demonstration Project Quality Assurance Project Plan</i> , Oklahoma Conservation Commission (March 1999)	Previously produced PFIRWC 4762-4816

Document	Status and/or Location of Document
<i>Draft Conservation Reserve Enhancement Program (CREP) Proposal for Spavinaw Lake and Lake Tenkiller Watersheds</i> (May 2005)	Previously produced PFIRWC 3234-3254
USDA Correspondence from R. Chaney to K. Shenk dated June 17, 2005 regarding arsenic issues	Previously produced PFIRWC 7186-7191
All documents related to feed suppliers and tonnage reports for the Illinois River Watershed	Publicly available through Oklahoma Department of Agriculture, Food and Forestry
Daniel E. Storm, <i>Illinois River - Upland and In-stream Phosphorous Modeling Final Report</i> (Dec. 2003)	Previously produced PFIRWC 4817-4931
Daniel E. Storm et al., <i>Illinois River - Upland and In-stream Phosphorous Modeling Final Report</i> (June 2006)	Previously produced PFIRWC 7026-7150
B. Haggard, P. Moore, et al., <i>Effect of Slope, Grazing and Aeration on Pasture Hydrology</i> (July 2002)	Previously produced PFIRWC 439-447
W. Green and B. Haggard, <i>Phosphorous and Nitrogen Concentrations and Loads at Illinois River South of Siloam Springs, Arkansas 1997-1999</i> , Water Resources Investigation Report 01-4217, USGS (2001)	Previously produced PFIRWC 678-693
Drinking Water Quality Data - <i>National Tap Water Database</i>	http://www.ewg.org/tapwater/yourwater/search.php?stab=OK
<i>Conservation Reserve Enhancement Program (CREP) Proposal for Illinois Watershed</i> , State of Arkansas (Jan. 2006)	Previously Produced PFIRWC-007340-7365
<i>Joint Agreement of the Governors of the States of Arkansas and Oklahoma</i> , signed by Bill Clinton and David Walters (Feb. 1992)	Previously produced PFIRWC 4478-4486
Report to the Governor of the State of Oklahoma and the Governor of the State of Arkansas from the Arkansas/Oklahoma Environmental Task Force concerning Recommendations Addressing Shared Environmental Concerns (Dec. 1992)	Previously Produced PFIRWC-004479-4486
H. Zang, N. Basta and J. Steigler, <i>Using Biosolids as a Plant Nutrient Source</i> , OSU Cooperative Extension Service CR-2201	Publicly available through OSU Cooperative Extension Service
USGS Surface Water Quality Data for Arkansas	http://waterdata.usgs.gov/ar/nwis/sw/

Document	Status and/or Location of Document
USGS Surface Water Quality Data for Oklahoma	http://waterdata.usgs.gov/ok/nwis/sw/
USGS Surface Water Quality Data for the Illinois Basin	http://ar.water.usgs.gov/sun/illinois_basin/
Arkansas Department of Environmental Quality Surface Water Quality Data	http://www.adeq.state.ar.us/techsvs/water_quality/monitors.asp#Display
EPA Listed Water Information for Tenkiller Ferry Lake (OK121700020020)	Publicly available through US EPA
OCC Paired Watershed Project: Beaty Creek, Project Data Analysis Summary (March 2005)	Previously produced PFIRWC 1286-1340
A. Sharply, S. Chapra, et al., <i>Managing Agricultural Phosphorous for Protection of Surface Waters: Issues and Options</i> , Journal of Environmental Quality (June 1994)	Previously produced PFIRWC 1061-1090
<i>Enforceable State Mechanisms for the Control of Nonpoint Source Water Pollution</i> , Environmental Law Institute (Oct. 1997)	Previously produced PFIRWC 1195-1264
M. Nelson and T. Soerens, <i>Illinois River 2000 Pollutant Loads at Arkansas Highway 59 Bridge</i> , Arkansas Water Resource Center (Oct. 2001)	Previously produced PFIRWC 1377-1387
P. Vendrell, K. Steele, et al., <i>Upper White River BMP Implementation Project NPS Final Report 95-800</i> , Arkansas Water Resource Center (Dec. 2000)	Previously produced PFIRWC 1388-1486
<i>Water Quality Monitoring Report: Illinois River Basin</i> , Arkansas-Oklahoma Compact Commission (2003)	Previously produced PFIRWC 2141-2157
<i>Water Quality Monitoring Report: Illinois River Basin</i> , Arkansas-Oklahoma Compact Commission (2005)	Previously produced PFIRWC-007323-7339
M. Nelson and T. Soerens, <i>Illinois River 2001 Pollutant Loads at Arkansas Highway 59 Bridge</i> , Arkansas Water Resource Center (Sep. 2002)	Previously produced PFIRWC 3174-3185
M. Nelson, <i>Illinois River 2002 Pollutant Loads at Arkansas Highway 59 Bridge</i> , Arkansas Water Resource Center (Sep. 2003)	Previously produced PFIRWC 3186-3200
M. Nelson, <i>Illinois River 2003 Pollutant Loads at Arkansas Highway 59 Bridge</i> , Arkansas Water Resource Center (Sep. 2004)	Previously produced PFIRWC 3201-3217

Document	Status and/or Location of Document
M. Nelson, <i>Illinois River 2004 Pollutant Loads at Arkansas Highway 59 Bridge</i> , Arkansas Water Resource Center (Sep. 2005)	Previously produced PFIRWC 3218-3233
M. Nelson, R. Redman, et al., <i>Water Quality Sampling, Analysis and Annual Load Determination for TSS, Nitrogen and Phosphorous at the Washington County Road 76 Bridge on Ballard Creek</i> , Arkansas Water Resources Center (Nov. 2003)	Previously produced PFIRWC 3312-3319
T. Kresse and J. Fazio, <i>Occurrence of Arsenic in Ground Waters of Arkansas and Implications of Source and Release Mechanisms</i> , ADEQ (March 2003)	Previously produced PFIRWC 3476-3516
J. Galloway, B. Haggard, et al., <i>Occurrence of Pharmaceuticals and Other Organic Wastewater Constituents in Selected Streams in Northern Arkansas</i> , University of Arkansas (2005)	Previously produced PFIRWC 3594-3624
Oklahoma Department of Environmental Quality - <i>Estimated P Loading from Point and Non-point Sources in Lakes Eucha, Grand, Tenkiller and Wister</i> , Non-Point Source Loading to Lake Tenkiller (Partial, Bates COTU019169 & 19178)	Previously produced PFIRWC 5684-5685
Tulsa Water Quality Report (1998)	Previously produced PFIRWC 5686-5709
Tulsa's 2000 Water Quality Report (Brochure)	Previously produced PFIRWC 5710-5711
<i>Draft Final Project Work Plan Oologah Lake, Oklahoma Watershed Study</i> , Army Corps of Engineers (March 2000)	Previously produced PFIRWC 5712-5721
Consumer Confidence Report 2000, Detected Compounds, City of Tulsa	Previously produced PFIRWC 5722
Oologah Lake, Oklahoma, Watershed Study, Interim Report of Findings, April-September 2000	Previously produced PFIRWC 5723-6004
Tulsa's 2002 Water Quality Report	Previously produced PFIRWC 6005-6006
Addendum to Oologah Lake, Oklahoma Watershed Study Year 2 Interim Report of Findings: October 2000-October 2001	http://www.swt-wc.usace.army.mil/waterquality/Oologah%20Lake%20Interim%20Report%202001.pdf
Oologah Lake, Oklahoma Watershed Study, Interim Report of Findings: April-September 2000	Previously produced PFIRWC 6045-6326

Document	Status and/or Location of Document
W. Holloway, <i>Report on Water Supply from the Oologah Reservoir on the Verdigris River</i> , City of Tulsa	Previously produced PFIRWC 6585-6589
Phase I Clean Lakes Project Diagnostic and Feasibility Study of Lake Claremore (April 1996)	Previously produced PFIRWC 6590-6709
Oklahoma Scenic Rivers Commission, <i>River Currents</i> (Jan. 2004)	Previously produced PFIRWC 6925-6330
Oklahoma Scenic Rivers Commission, <i>River Currents</i> (Spring 2004)	Previously produced PFIRWC 6931-6937
Oklahoma Scenic Rivers Commission, <i>River Currents</i> (Fall 2004)	Previously produced PFIRWC 6938-6944
<i>Strategy for Restoration and Protection of Scenic River Watersheds Through Nutrient Management of Agricultural Activities</i> , ODAFF (2006)	Publicly available through ODAFF
Marc Nelson, Luanne Diffin and Paul Burns, <i>Water Quality Monitoring of the Osage Creek above the Highway 112 Bridge near Cave Springs, Arkansas</i>	Previously produced PFIRWC 6908-6924
Oklahoma Department of Agriculture, Food and Forestry, <i>Strategy for Restoration and Protection of Scenic River Watersheds Through Nutrient Management of Agricultural Activities</i> (2003)	Publicly available from ODAFF
Oklahoma Department of Agriculture, Food and Forestry, <i>Actions Relevant to the Scenic Rivers Act and Water Quality Standards</i> (2005)	Publicly available from ODAFF

Interrogatory No. 8: Please set forth all facts, describe all evidence and identify all documents that underlie or that you contend support the following assertion by you in paragraph 51 of your Answer ("Affirmative and Other Defenses" section) [DKT #78]: "Peterson, at all times relevant to Plaintiffs' [sic] claims acted responsibly, in good faith, and with the skill, prudence, and diligence exercised by reasonably prudent operators in the poultry industry."

Response: For its answer to this interrogatory, Peterson Farms incorporates its objections and answer to Interrogatory No. 1, above.

Interrogatory No. 9: Please set forth all facts, describe all evidence and identify all documents that underlie or that you contend support the following assertion by you in paragraph 52 of your Answer ("Affirmative and Other Defenses" section) [DKT #78]: "Peterson has conducted all of its operations and activities in accordance with industry standards, government requirements, and the prevailing state of the art and technology in the poultry industry."

Response: For its answer to this interrogatory, Peterson Farms incorporates its objections and answer to Interrogatory No. 1, above.

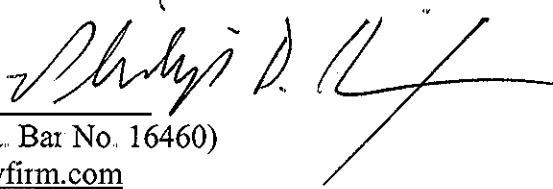
Interrogatory No. 10: Please set forth all facts, describe all evidence and identify all documents that underlie or that you contend support the following assertion by you in paragraph 55 of your Answer ("Affirmative and Other Defenses" section) [DKT #78]: "Plaintiffs' [sic] claims are barred, in whole or in part, by the agricultural operations exceptions set forth in 50 O.S. § 1.1 and Ark. Code Ann. § 2-4-101 *et seq.*"

Response: Peterson Farms objects to this request to the extent it seeks a legal conclusion. Subject to and without waiving the foregoing objection or the General objections, Peterson Farms states that the cited statutory provisions recognize that agricultural operations conducted in conformance with good practices are not deemed "nuisances," and further, agricultural operations in compliance with any state or federally issued permit shall enjoy a rebuttable presumption that the operation is not a nuisance. 50 O.S. § 1.1; Ark. Stat. Ann. § 2-4-107. Peterson Farms states further that, to its knowledge, the poultry growers who formerly operated under contract with it followed good agricultural practices, and to the extent the operations managed poultry litter in conformance with Animal Waste Management Plans or Nutrient Management Plans issued by the States of Oklahoma or Arkansas or the U.S.D.A.

Natural Resources Conservation Service, they are and were exempt from being deemed nuisances. For documents supporting the prudence of these operators, Peterson Farms refers Plaintiffs to its objections and answers to Interrogatory Nos. 1 and 3.

Respectfully submitted,

By /s/ Philip D. Hixon



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I certify that on the 15th day of October, 2008, I electronically transmitted the attached document to the following ECF registrants:

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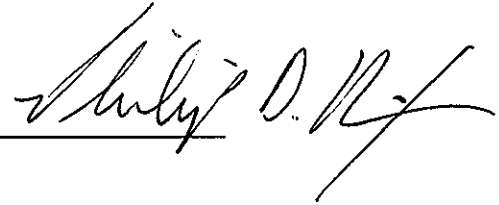
I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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/s/ Philip D. Hixon



VERIFICATION


STATE OF ARKANSAS)
) ss.
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Blake Evans, being first duly sworn on oath, states that he is employed with Peterson Farms, Inc , that he does not have personal knowledge of all facts recited in the foregoing SECOND SUPPLEMENTAL RESPONSES OF DEFENDANT, PETERSON FARMS, INC. TO STATE OF OKLAHOMA'S MARCH 2, 2007 SET OF INTERROGATORIES, nor does any one current or former employee of Peterson Farms, Inc have personal knowledge of all the facts recited in the foregoing answers, but that the information has been gathered by and from current and former employees of Peterson Farms, Inc ; that the responses are true to the best of his belief based on the information supplied by such employees I am duly authorized to sign this Verification on behalf of Peterson Farms, Inc ; that I have read the answers to the foregoing Interrogatories and that said responses are true and correct to the best of my knowledge and belief, and that I have executed this Verification as my free and voluntary act and deed representing the same



 Blake Evans

Signed and sworn to before me on the 14th day of October, 2008 by **Blake Evans.**



 Notary Public

My Commission Expires: January 22, 2018

